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Statement of Rep. Henry A. Waxman, Ranking Minority Member
Committee on Government Reform
On the Investigation into Rafael Palmeiro's March 17, 2005 Testimony at the
Committee on Government Reform's Hearing: "Restoring Faith in America's Pastime: Evaluating
Major League Baseball's Efforts to Eradicate Steroid Use"

November 16, 2005

Mr. Chairman, we've come a long way since our March 17 hearing on steroid use in Major League Baseball. It's easy to forget now, but in the days after we announced those hearings there was no shortage of controversy, with some even suggesting that our Committee had no business looking into this issue. But the Committee held firm, and now we are starting to see the difference that our oversight has made.

The March 17 hearing opened a window into Major League Baseball's steroid problem and the impact that the use of steroids by professional athletes has on the young athletes who idolize them. The Committee then followed up with hearings into the steroid policies of the National Football League and the National Basketball Association, and we took the lead in writing legislation that would solve many of the problems identified in those hearings.

And to their credit the professional sports leagues — with a little push from us — began making their own good-faith efforts to address these problems.

The NFL came before our Committee and announced that they would be improving their policy. The NBA instituted a tougher policy, with random testing, as part of their new collective bargaining agreement that was signed soon after our hearing.

And just yesterday, Major League Baseball and the Players Association announced their new performance-enhancing drug policy. It has tough penalties, calling for a 50 game suspension for a first positive steroid test, a 100 game suspension for a second positive test, and a lifetime ban for a third. It will be overseen by an independent body, ensuring its credibility. And for the first time, Major League Baseball will ban the use of amphetamines.

There are still important details that remain to be worked out in this proposal, such as how the problem of designer steroids will be handled. And questions can be raised about whether the amphetamine penalties are tough enough. But overall, this is a major step forward.

Unfortunately, there was one too many positives that followed our March 17 hearing. At that hearing Rafael Palmeiro testified before our Committee and emphatically stated that he had "never" used steroids.

Then on August 1, Major League Baseball announced that Mr. Palmeiro had tested positive for a banned drug under the league's steroid testing policy.

Faced with this positive test just weeks after his adamant denial under oath, Chairman Davis and I initiated an investigation to determine if Mr. Palmeiro should be referred to the Department of Justice for a perjury investigation.

Our investigation was fair and limited in scope. We did not attempt to readjudicate Mr. Palmeiro's suspension from baseball. And we did not attempt to decide whether Mr. Palmeiro was guilty or innocent of intentionally taking steroids. Instead, we focused on a narrow question: Was there enough evidence to justify sending a perjury referral to the Department of Justice?

Ultimately, after investigating the circumstances of Mr. Palmeiro's positive test, and interviewing teammates, trainers, and doctors who were familiar with Mr. Palmeiro, we concluded that there was insufficient evidence to merit a perjury referral. The report before the Committee today is the summary of what the investigation found.

In the course of this investigation, the Committee learned that the use of performance-enhancing amphetamines appears to be a significant problem in Major League Baseball. We also learned about problems with the integrity of the sample collection procedures in the current MLB drug testing program. I am glad that the agreement announced by Major League Baseball yesterday takes steps to address both of these problems.

This was a fair, thorough, and comprehensive investigation. I agree with its findings, and I hope the Committee will approve the report today.